

**FREEDOM OF INFORMATION COMMISSION  
STATEMENT IN SUPPORT OF HOUSE BILL NO. 5499,  
AN ACT CONCERNING THE PRESERVATION OF HISTORICAL RECORDS AND  
ACCESS TO RESTRICTED RECORDS IN THE STATE ARCHIVES.**

**March 7, 2016**

The Freedom of Information (“FOI”) Commission supports House Bill 5499 which requires the preservation of records of historical value and lifts restrictions on access to government and medical records after a certain amount of time has passed.

Specifically, House Bill 5499 (1) requires the retention of any record transferred to the state archives (as established in Conn. Gen. Stat. §11-1c) that the State Archivist determines to be a record of historical value and vests title to such record in the state archives; (2) lifts any prohibition against viewing a government record, other than a medical record, that has been deposited in the state archives, 75 years after the creation of such record; and (3) lifts any prohibition against viewing a medical record, as defined in 45 CFR 160.103, that has been deposited in the state archives, 50 years after the death of the individual who is the subject of such record.

The provisions of this proposal mirror changes made by the United States Department of Health and Human Services (“Department of Health”) to the Health Insurance Portability Accountability Act (“HIPPA”) in 2013. Those changes in the federal law removed the prohibition of access to those medical records 50 years after the death of an individual who is the subject of such record. The Department of Health reasoned that 50 years was an appropriate time span, because by covering the span of roughly two generations, it believed that it would both protect the privacy interests of most, if not all, living relatives, or other affected individuals, and it reflected the difficulty of obtaining authorizations from personal representatives as time passes. With this change in HIPPA, the Department of Health demonstrated its belief that records more than 50 years old are historical, and their disclosure would not constitute an invasion of anyone’s personal privacy. The State of Connecticut laws should not be more restrictive.

Providing greater access to government and medical records deposited at the state archives, after statutorily prescribed periods of time have passed, increases transparency in government. It also ensures that the broadest audience of citizens have access to rich and diverse sources of Connecticut’s documentary heritage.

The preservation and availability of such records is essential to understanding the historical context that government activities, functions and policies have on the democracy, history and culture of Connecticut and its people.

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